



Customer No 42131

Docket No. 116.003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Elisabeth H. BURGER

SERIAL NO.: 10/627,314

Group Art Unit: 1654

FILED: July 25, 2003

Ex.: Marcela M.C. Garcia

FOR: RESORBABLE BONE CEMENT CONTAINING ACTIVE AGENTS

**AFFIDAVIT OF RASHIDA KARMALI**

1. I am the Attorney of Record in the above referenced application. I am sole proprietor of the Law Office of Rashida A. Karmali, Esq, located at 99 Wall Street, 13<sup>th</sup> Floor, New York, New York 10005.
2. As a routine practice my firm enters any correspondence from the United States Patent Office related to the prosecution of pending or issued patents in the Docketing System, on a daily basis. The mail is usually delivered by the Postal workers by 12.00 noon and it is the firm's practice to enter all correspondence into the docketing system the same day, but no later than the fourth day upon delivery. This entry generates the subsequent deadlines for Actions due for all cases in the docketing system, for which alerts are continued until action is taken.
3. Our docketing system records indicate that the last entry made for the above referenced case was on December 17, 2005 to show that the Response to Restriction Requirement was filed on December 7, 2005. See Exhibit 1.

4. We have not received by regular mail the Office Communication mailed on January 17, 2006. This explains why said paper has not been entered into the docketing system, which is date sensitive and records at the top right hand the date when any entries are made. A copy of the Docketing record printed on July 12, 2006 is included to show that the 1/17/06 paper has not been received by the firm. Exhibit 2.

I hereby declare that all statements made herein to my knowledge are true, and all statements made on information and beliefs are believed to be true; and further, that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon.

BY: Rashida A. Karmali

Rashida A. Karmali, Attorney of Record, Reg No 43,705

DATE: 7/12/06

Exhibit 1

**Country Application**

Saturday, December 17, 2005

<b>Case Number:</b> 116.003	<b>Country:</b> US	<b>SubCase:</b>
<b>Client:</b> Ester Polak & Charlouis BV	United States of America	
<b>Case Type:</b> PCT	<b>Application Status:</b> Published	
<b>Application Number:</b> 10/627314	<b>Filing Date:</b> 25-Jul-2003	
<b>Patent Number:</b>	<b>Issue Date:</b>	
<b>Publication Number:</b> 0131678-A1	<b>Publication Date:</b> 08-Jul-2004	
<b>Priority Number:</b> 01200363.8	<b>Priority Date:</b> 01-Feb-2001	
<b>Tax Schedule:</b> LE	<b>Expiration Date:</b>	
	<b>Tax Start Date:</b>	
<b>Agent:</b> EP&C      Exter Polak & Charlouis B.V.		
<b>Agent Reference No.:</b> P26077us00/T		

**List Of Actions**

Action(s) Due	Due Date		Action Taken
Assignment for recording Filed	14-Oct-2003	Filed	14-Oct-2003
Executed Declaration Filed	14-Oct-2003	Filed	14-Oct-2003
Formal Drawings Due Prior Pub	25-Oct-2003	Reminder	25-Jul-2003
Information Disclosure Stmtnt	25-Oct-2003	Due Date	25-Jul-2003
2 Mo Comply Sequence Listing	17-Feb-2004	Received	17-Feb-2004
Filing Receipt Received	17-Feb-2004	Received	17-Feb-2004
Sequence Listing Filed	10-Mar-2004	Filed	10-Mar-2004
Reminder/Sequence Listing	17-Mar-2004	Reminder	10-Mar-2004
Updated Filing Receipt Rec'd	30-Mar-2004	Received	30-Mar-2004
Sequence Listing Due	17-Apr-2004	Due Date	10-Mar-2004
Assignment for recording Filed	14-May-2004	Filed	
1 Mo Ext./Sequence Listing	17-May-2004	Due Date	10-Mar-2004
2 Mo Ext./Sequence Listing	17-Jun-2004	Due Date	10-Mar-2004
3 Mo Ext./Sequence Listing	17-Jul-2004	Due Date	10-Mar-2004
4 Mo Ext./Sequence Listing	17-Aug-2004	Due Date	10-Mar-2004
5 Mo Ext./Sequence Listing	17-Sep-2004	Final	10-Mar-2004
Status Check Due	30-Sep-2004	Due Date	02-Sep-2005
Rem. Power of Att. Due	21-Dec-2004	Reminder	
Rem. File Power of Att.	26-Dec-2004	Reminder	
Status Inquiry Due	30-Dec-2004	Final	02-Sep-2005

## Country Application

Saturday, December 17, 2005

Power of Attorney Due	06-Jan-2005	Final	
Letter rec'd from Foreign Ass	01-Sep-2005	Received	02-Sep-2005
3 Mo Office Action Rec'd	07-Oct-2005	Received	06-Dec-2005
Reminder/Response Due	07-Dec-2005	Reminder	06-Dec-2005
Amendment/Response Due	07-Jan-2006	Due Date	06-Dec-2005
1st Ext./Amend./Response Due	07-Feb-2006	Due Date	06-Dec-2005
Letter rec'd fr Follow Up Date	02-Mar-2006	Due Date	
Updated Filing Follow Up Date	02-Mar-2006	Due Date	
2nd Ext./Amend./Response Due	07-Mar-2006	Due Date	06-Dec-2005
3 Mo Final Ext./Response Due	07-Apr-2006	Final	06-Dec-2005
3 Mo Office Act Follow Up Date	06-Jun-2006	Due Date	

Remarks: This application is based on PCT/EP02/00947 filed 1/29/02

**Country Application**

Wednesday, July 12, 2006

**Case Number:** 116.003      **Country:** US      **SubCase:**  
**Client:** Ester Polak & Charlouis BV      United States of America  
**Case Type:** PCT      **Application Status:** Published  
**Application Number:** 10/627314      **Filing Date:** 25-Jul-2003  
**Patent Number:**      **Issue Date:**  
**Publication Number:** 0131678-A1      **Publication Date:** 08-Jul-2004  
**Priority Number:** 01200363.8      **Priority Date:** 01-Feb-2001  
**Tax Schedule:** LE      **Expiration Date:**  
    **Tax Start Date:**  
  
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Remarks: This application is based on PCT/EP02/00947 filed 1/29/02